

[Report No. 117.]

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 20, 1857.

Read twice, and committed to the Committee of the Whole on the state of the Union.

MR. MORRILL, from the Committee on Territories, reported the following bill :

A BILL

To establish a separate judicial district south of the Gila, and to create the office of surveyor general therein ; to provide for the adjudication of certain land claims ; to grant donations to actual settlers ; to survey certain lands ; to provide for the representation of the inhabitants of the "Gadsden Purchase" in the Territorial legislature of New Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That all that territory of the United States included within
4 the following boundaries : beginning on the Rio Grande at the
5 point where the dividing parallel of latitude of thirty-one
6 degrees forty-seven minutes, between the United States and
7 Mexico, touches that river ; thence up the middle of the same
8 to the thirty-fourth degree of north latitude ; thence west to the
9 summit of the Sierra Madre mountains ; thence north to the
10 boundary line of the Territory of Utah ; thence west along

11 said boundary line to the eastern boundary of California ; thence
 12 southeasterly on said boundary line to the point at which the
 13 line between the United States and Mexico intersects it ;
 14 thence along the several lines between the United States and
 15 Mexico to the beginning, be, and the same is hereby, created
 16 into a separate district, to be called the district of Arizona,
 17 and is hereby divided into two counties, by running a single
 18 line as follows: Beginning at the monument on the Gila,
 19 a few miles below the mouth of the Rio Suanca, not very far
 20 from the base of Mount Graham, and running from said monu-
 21 ment directly south to the frontier line between the United
 22 States and Mexico, and directly north to the boundary line of
 23 the Territory of Utah. The eastern county is hereby named
 24 East Gila, and the western, West Gila.

1 **SEC. 2.** *And be it further enacted,* That a surveyor gen-
 2 eral for the said district shall be nominated, and, by and with
 3 the advice and consent of the Senate, appointed by the Presi-
 4 dent of the United States. He shall open his office at the
 5 town of Tucson, and he may remove it from time to time to
 6 such place or places as he may find it necessary to occupy,
 7 in order to aid him more fully in the execution of his duties,
 8 and which he shall report to the Secretary of the Interior.

1 **SEC. 3.** *And be it further enacted,* That the surveyor
 2 general is hereby authorized to employ in his office a draughts-
 3 man and the same number of clerks, at the same salaries of

4 those who are employed in the land office of the surveyor
5 general of California. He shall pay the said employees
6 monthly, out of the public money appropriated therefor, and
7 which he is hereby authorized to receive for that purpose
8 from the Secretary of the Treasury of the United States.
9 There shall be allowed for said service the sum of eleven
10 thousand dollars per annum. And for law books and books of
11 record, maps, stationery, instruments, and safes for keeping
12 and preserving the records of the office, and for transportation
13 thereof to the Territory, and for such occasional removals of
14 the office as the surveyor general may find necessary, and for
15 office rent, fuel, and other incidental expenses of his office,
16 the sum of ten thousand dollars shall be allowed. And the
17 Secretary of the Interior is hereby authorized to cause an
18 official seal to be prepared for the office of the said surveyor
19 general, and any copy of or extracts from the plats, field notes,
20 and other records and documents on file in his office, when
21 attested as such by the said seal and the signature of the sur-
22 veyor general, shall, in all judicial matters, and in the courts
23 of the United States, and in all the executive departments of
24 the government of the United States, be received and ac-
25 credited the same as originals. The surveyor general, before
26 entering on the duties of his office, shall give bond as other
27 surveyors general, and shall take and subscribe an oath or
28 affirmation before a judge of a United States or State court, to
29 support the Constitution of the United States and faithfully

30 discharge the duties of his office. He shall be entitled to
31 receive a salary at the rate of not exceeding three thousand dol-
32 lars per annum, payable monthly, to commence from the date
33 of his commission : *Provided*, That this rate of compensation
34 shall not extend beyond the term of two years, and that all
35 fees anywhere provided for in this act to be paid to the sur-
36 veyor general, shall be by him accounted for and paid over to
37 the receiver of the land office for the district of Gila, and the
38 said receiver shall give him his official receipt therefor.

1 SEC. 4. *And be it further enacted*, That the said sur-
2 veyor general shall have the exclusive power and authority to
3 perform all the duties of his office, respecting the survey of
4 all the lands, public and private, within the limits of the dis-
5 trict aforesaid, anything in any act of Congress to the contrary
6 notwithstanding. He shall engage a sufficient number of
7 skilful surveyors as his deputies, whom he shall cause to sur-
8 vey, measure, and mark base and meridian lines through such
9 points, and perpetuated by such monuments of stone, or of as
10 durable materials of wood as can be conveniently obtained, and
11 to run such other correction parallels and meridians as may be
12 proper and required, and the lines necessary to subdivide the
13 lands into mile sections, and quarter sections, and into half-
14 quarters, if required, and where proper, into fractions, or such
15 minimum divisions as hereinafter provided for as to minerals,
16 and also to survey and establish all other lines of the public
17 lands, which he may be directed to do by the President of the

18 United States, conformably to law. And for surveying the
19 base and meridian lines, and private claims, and about the base
20 of inaccessible mountains and meandering navigable waters,
21 there shall be allowed not exceeding sixteen dollars per mile ;
22 and for surveying the other lines of the public lands, there
23 shall be paid to him not exceeding an average of twelve dol-
24 lars per mile. No allowance shall be made for lines which
25 are not actually run.

1 *SEC. 5. And be it further enacted,* That the rectangular
2 mode of surveying and subdividing the public lands may be
3 changed when it is necessary in reference to mountains, min-
4 eral plats or districts, and donation tracts specially provided for
5 in this act, so as to class the subdivisions into fractions, subject
6 to be reduced to the smallest size, or where necessary to de-
7 signate mineral districts, or donation tracts, and all other en-
8 tries as provided for by law.

1 *SEC. 6. And be it further enacted,* That the surveyor
2 general shall divide the said district of Arizona into three divi-
3 sions, by running two lines. The first shall begin at the
4 monument on the Gila mentioned in the first section, and
5 running from thence directly south with the county line here-
6 tofore described, to the boundary line between the United
7 States and Mexico. The other line shall begin at the one
8 hundred and eleventh degree of longitude, on the boundary of
9 the United States and Mexico, and follow that meridian to the

10 Gila. The first of these lines shall be called first Gila prin-
11 cipal meridian, and the second line the second Gila principal
12 meridian. The three divisions he shall survey separately, be-
13 ginning with the division lying east of the first line, and then
14 the adjoining divisions in succession; except that he may
15 survey the mineral lands, or donation tracts, or other private
16 entries, authorized by this act to be made, at such time as the
17 public interests, in his judgment, may require. The western
18 division shall only be surveyed by base and meridian lines,
19 except when otherwise necessary, or where the lands may be
20 fit for settlement, and along and within a few miles of the
21 Gila, as he may find fit and proper, and such private grants
22 as may be necessary to be marked and measured, and such
23 parcels as may be selected for mining purposes.

1 SEC. 7. *And be it further enacted*, That the surveyor
2 general shall cause the mineral tracts, as far as he can ascertain
3 them, to be surveyed into districts, and marked and measured,
4 and the boundaries thereof shall be of sufficient extent to in-
5 clude all the minerals of the several parts of the country, ac-
6 cording to his judgment; and his surveys of agricultural and
7 grazing lands shall not be so made as to encroach upon
8 them: *Provided, always*, If discoveries be made of minerals
9 within the said surveys of agricultural and grazing lands before
10 their sale or entry, according to law, by any citizen or citizens
11 of the United States, and who shall give written notice thereof

12 to the surveyor general, they shall be subject to entry and oc-
13 cupation in such places, by any citizen or citizens of the
14 United States, conformably to the regulations which are here-
15 inafter made, as mineral lands.

1 SEC. 8. *And be it further enacted*, That the surveyor
2 general shall cause all the lands within said district of Gila to
3 be surveyed, as belonging to the public domain of the United
4 States, which were held by grants or claims of any sort under
5 the crown of Spain, or the supreme government of Mexico,
6 or by any other authority whatever, and which were aban-
7 doned by their owners, seven years or more, as the case may
8 be, prior to the ratification of the treaty of the thirtieth of
9 December, eighteen hundred and fifty-four, made between the
10 United States and Mexico: *Provided*, The said owners did
11 not return to hold and possess said lands before the signing
12 of said treaty, and also that the said surveyor general shall cause
13 to be surveyed all the lands within the said district of Gila,
14 as belonging to the public domain of the United States,
15 and which were comprehended within the bounds of the
16 treaty of Guadalupe Hidalgo, made on the second day of
17 February, eighteen hundred and forty-eight, between the
18 United States and Mexico, and which were held by grants
19 either from the crown of Spain or from the supreme govern-
20 ment of Mexico, or any other authority, and which were
21 abandoned by their owners seven years or more prior to the

22 ratification of said treaty : *Provided*, That the said owners did
23 not return to possess and hold said lands before the signing of
24 the said treaty of Guadalupe Hidalgo ; and any of the afore-
25 said lands, whether they be agricultural or mineral, shall be
26 subject to entry by any citizen or citizens of the United
27 States, conformably to the regulations hereinafter made for the
28 entry of lands, either as mineral lands, for mining, or as dona-
29 tions of one hundred and sixty acres for agriculture, or be
30 subject to such entries as it is provided may be made for the
31 purposes of aiding in the conduct of mining operations, by the
32 possession of suitable places for residence, and the necessary
33 supply of water and fuel ; and forasmuch as by the laws of
34 Spain, made for the government of what were called the Indies,
35 in which all Mexico was included, and also by the laws of the
36 supreme government of Mexico, made after its separation
37 from the mother country, it was provided that all mineral lands
38 were reserved to the crown of Spain, or to the supreme gov-
39 ernment of Mexico, as the case might be, and were never
40 separated therefrom by being within the limits of any grants,
41 nor intended so to be, nor by reason of any grants which had
42 been, or could be made of any lands to any person or persons
43 whatever, and inasmuch as no grants for mineral lands to any
44 person or persons, or to any company of persons, forming a
45 partnership, or to any ecclesiastical person, or corporate body
46 whether lay or ecclesiastical, ever were made in absolute fee,

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47 along with any agricultural or grazing lands granted, so as to
48 separate the said mineral lands from the crown of Spain, or
49 from the public domain of the supreme government of Mexico,
50 and from their control; and as no mineral lands separate
51 and apart, as such, were ever granted by the crown of Spain,
52 or the supreme government of Mexico, to any person or per-
53 sons, or company of persons in partnership, in absolute
54 fee, but according to the uniform and stringent policy
55 of the laws of the crown of Spain, and of the republic of
56 Mexico, mineral lands were only allowed to be held by
57 subjects or citizens under the special provisions that they
58 should continue to work them by mining, and if abandoned by
59 them, even for a short time, that they should be and were
60 forfeited, and liable to be denounced and taken by others,
61 with the consent of the supreme government, under like con-
62 ditions and regulations as when first obtained; therefore, it is
63 hereby provided and declared, that all mines, whether of gold,
64 silver, platina, mercury, copper, tin, lead, zinc, iron, or coa
65 or any other minerals which are within the limits of the dis-
66 trict of Gila, as herein described in the first section of this
67 act, which had been discovered and worked, and afterwards
68 abandoned for six months or more, prior to the date of the
69 signing of the treaty of the thirtieth of December, eighteen
70 hundred and fifty-four, between the United States and Mexico,
71 are forfeited; and it is also hereby provided, that any min-

72 eral lands which were within the said district of Arizona, and
73 which were comprehended within the limits of the treaty
74 of Guadalupe Hidalgo, made the second of February, eigh-
75 teen hundred and forty-eight, between the United States
76 and Mexico, and which mineral lands had been discovered
77 and worked, and were afterwards abandoned six months
78 or more, prior to the signing of the treaty of Guadalupe
79 Hidalgo, on the second of February, eighteen hundred and
80 forty-eight, made between the United States and Mexico, are
81 forfeited, and now belong to the government of the United
82 States, as part and parcel of its public domain, and the same
83 are hereby declared to be forfeited, and subject to be held
84 and occupied under no other title than that from the United
85 States, agreeably to the regulations hereinafter prescribed.
86 And the surveyor is hereby authorized and required to make
87 such surveys conformably to the said regulations for such
88 person or persons, who are citizens of the United States, and
89 who may desire to work said mines. And all lands whereon
90 discoveries of minerals may be made, whether within such
91 abandoned grants, or within grants of land which have been
92 and still are held in possession within the limits of the said
93 district of Gila, shall be subject to the like rules and regu-
94 lations as to all other mineral entries; and the surveyor
95 general is hereby authorized and required to cause surveys
96 to be made for such mineral entries as may be applied for

97 therein, for the purpose of mining, by any citizen or citi-
98 zens of the United States. And in cases where mines are
99 taken within grants of land actually held in possession by the
100 party entitled thereto, the locator of the mines shall have the
101 privilege of purchasing one hundred acres of said land from
102 said owner, for the purposes of a residence, a supply of
103 water, and of fuel, as the case may be, to aid him in mining,
104 by paying therefor one dollar and twenty-five cents per acre.
105 The surveyor general shall survey the said land according to
106 what is just, and the purchaser shall pay him fifteen dollars
107 therefor: *Provided, always,* That the purchaser shall not
108 take for such survey any land which is under cultivation or
109 enclosed, nor shall he take the spring which the owner uses
110 for his household.

1 SEC. 9. *And be it further enacted,* That any citizen
2 or citizens of the United States shall be entitled to discover
3 new mines, and obtain the same for the purpose of working,
4 by purchase thereof from the United States, on any lands
5 within the said district of Arizona, and shall likewise be entitled
6 to take possession of, to occupy, to work, and purchase from the
7 United States any of such mines which have been abandoned;
8 and also to enter adjoining said mines, or as near thereto as
9 may be found suitable for residence and a supply of water
10 and wood, a certain quantity of land, as hereinafter prescribed.
11 When the mines are formed of what are called veins, the

12 tract or parcel of land intended to cover a vein, and which
13 shall be surveyed by said surveyor general or his deputy,
14 shall not exceed, for any one claimant, three hundred yards
15 in length, and the same in breadth. If the mines are what
16 are called placers, the parcel of land to be taken and surveyed
17 shall not exceed one hundred feet in length, and forty feet in
18 width, for any one claimant. The purchaser shall pay for
19 the first or vein tract fifty dollars, and for the second or placer
20 tract five dollars, to the surveyor general, for the use of the
21 United States; and the surveyor general, on the return of a
22 certified copy of said survey by a duly authorized deputy,
23 shall make out a certificate of plat and survey of the same,
24 under his official signature, and seal of office, if he has one;
25 if not, he shall state the fact, and his official signature shall
26 be of equal authority as if he had such seal. In the certificate
27 of plat and survey he shall state that he has received for the
28 United States the purchase money, naming the amount thereof.
29 For his fee for such certificate of plat and survey, he shall be
30 entitled to receive from the purchaser twenty dollars for a
31 vein mine, and five dollars for a placer mine; and he shall
32 endorse upon said certificate of plat and survey his fees, as
33 being received, (when paid,) and shall sign said endorsement
34 officially. The surveyor general shall number and date the
35 said certificate of plat and survey, and shall record the same
36 in a book kept in his office for that purpose, in the words

37 and figures thereof, with all the endorsements made thereon.
38 It shall be his duty, without delay, to furnish the register and
39 receiver of the land office of the district of Gila with an
40 exact copy of the said certificate of plat and survey, the
41 endorsements thereon, and shall pay over to the said receiver
42 the amount of the purchase money he has received for the said
43 parcel or parcels of land, and the said receiver shall give him
44 his official receipt therefor. It shall be the duty of the surveyor
45 general, when the purchase money and the fees above stated
46 have been paid to him, without delay to make out the certifi-
47 cate of plat and survey, as aforesaid, and deliver it to the pur-
48 chaser, or his lawfully appointed agent. At the receipt by
49 the purchaser of said certificate of plat and survey, all the
50 rights appertaining to the title and possession of real estate in
51 fee shall inure to him, his heirs, and assigns. He may sell
52 and convey the same, and the said certificate of plat and survey
53 shall be evidence of title in all courts, and before all judicial
54 magistrates within the United States, and shall be so received.
55 The surveyor, register, and receiver shall each make a return
56 of certified copies of said plats and surveys in all such cases,
57 and thereupon the President shall cause patents, in the usual
58 form, to issue to the owner of the certificate: *Provided, That*
59 all expenses attending the location and survey of mining claims
60 shall be defrayed by the claimant.

1 SEC. 10. *And be it further enacted, That when there*

2 are two or more claimants for the same mines which have
3 never been worked, the discoverer, who may have first made
4 such discovery after the passage of this act, shall be entitled
5 to choice of a tract to be laid off as required by this act. If
6 the discovery was made by the claimants at the same time, the
7 mines shall be divided into as many equal parts as there are
8 claimants, and they shall cast lots fairly therefor, under the
9 direction of the surveyor general, or his deputy, and each
10 party shall take his choice as obtained by lot. If the mines
11 have been previously worked and abandoned, then no claimant
12 shall be treated as a discoverer. In that case, the purchasers,
13 who are desirous of working said mines, shall be placed upon
14 an equal footing, and cast lots as aforesaid. If there are but
15 two claimants, in such case one shall divide and the other
16 shall take choice, under the direction of the surveyor general,
17 or his deputy : *Provided, always*, the parties, whether two or
18 more, in any case, may, if they choose, agree and take the
19 mines in copartnership. In that case, the quantity of land
20 taken may be in the aggregate what the addition of the several
21 individual shares would make, counting each share at the rates
22 heretofore specified, and the surveyor general shall cause them
23 to be surveyed.

1 SEC. 11. *And be it further enacted*, That no precedence
2 in favor of any individual shall be given because he may be the
3 first to reach any mines which have been abandoned ; but the

4 surveyor general shall open his office at Tucson, in the district
5 of Arizona, at the day fixed in this act, and shall then receive
6 applications for mineral entries, and the right to enter shall be
7 equally free to all who are citizens of the United States ; and
8 the first application made, in each case, shall remain on file for
9 three days (Sabbaths excepted) before it is acted upon, in order
10 to give time for the filing of others, if any should desire the
11 same locations. At the end of three days, (with the said
12 exception,) the surveyor general shall decide the case in the
13 manner heretofore pointed out, and he shall make out at that
14 time, and without further delay, the order for the survey,
15 which shall be final, and foreclose the further right of appli-
16 cation in that case ; and the said survey he shall cause to be
17 promptly executed. If there be but a single application for
18 any particular mine, then the surveyor general shall likewise,
19 without delay, within three days after the making of said ap-
20 plication, issue the order of survey therefor. In all cases of
21 application for surveys of mineral tracts, the surveyor general,
22 when he issues an order for the survey, shall give a copy of it
23 to the party in whose favor it is made.

1 **SEC. 12.** *And be it further enacted,* That in each case
2 when a citizen of the United States shall obtain a survey of a
3 mining tract on what is called a vein, he shall be entitled to
4 enter a tract of not exceeding three hundred and twenty acres,
5 either adjoining thereto, or as near thereto as he can obtain it

6 with a suitable quantity of water and wood to aid him in his
7 mining operations, and he shall pay to the United States one
8 dollar and a quarter per acre therefor. He shall apply to the
9 surveyor general to survey the said tract, who shall do it with-
10 out delay, making it a rectangular survey, beginning at a
11 point which shall be agreed upon between the applicant and the
12 surveyor general. If there are more persons than one who
13 have surveys upon the same vein mines, then they shall be
14 dealt with equally and justly by the surveyor general, after the
15 manner provided in similar cases. Each of the said owners
16 of a mineral survey shall be entitled to a tract of equal size
17 for the purpose of aiding him in his mining operations :
18 *Provided*, That he pays for the same at the rates above fixed.
19 The surveyor general, when he makes such a survey, shall
20 give to the party in whose favor it is made a certificate of plat
21 and survey, which he shall present to the receiver and register,
22 and pay the register therefor at the rate of one dollar and a
23 quarter per acre. The receiver and register shall then certify,
24 upon the said certificate of plat and survey, the payment so
25 made. When the said payment is so certified, the certificate
26 of plat and survey shall be full evidence of title, and all the
27 rights which appertain to the title of real estate shall enure to
28 him, his heirs, and assigns. The register and receiver shall
29 record the said certificate of plat and survey, and report the

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30 same to the Commissioner of the General Land Office, and
31 the President shall cause patents to issue therefor.

1 **SEC. 13.** *And be it further enacted,* That each settler
2 who is a citizen of the United States shall be entitled to a
3 donation of one hundred and sixty acres of land within the
4 said district, who shall cultivate the same for two years. He
5 shall be entitled to make an entry therefor in the land office,
6 when the land shall have been surveyed, upon making proof
7 before the register and receiver of the fact of such cultivation.
8 He may select any quarter section for such entry which may
9 include any of his cultivated grounds, or any of his enclosures :
10 *Provided,* The said entry does not include any of the mining
11 lands which are surveyed, or set apart as such, nor interfere
12 with any mining privileges intended to be secured and pro-
13 tected by this act. And the President is hereby authorized
14 to cause the surveyed lands of the said district, or any portion
15 thereof, to be exposed for sale from time to time, in the same
16 manner and upon the same terms and conditions as the other
17 public lands of the United States, and at such places within
18 the said district as he may think proper : *Provided,* That no
19 part of the mineral lands shall be subject to be exposed to
20 public sale ; and the agricultural and grazing lands which shall
21 remain unsold shall, after having been offered at public sale
22 as aforesaid, be subject to private entry by any citizen or

23 citizens of the United States at the minimum value of the
24 public lands.

1 SEC. 14. *And be it further enacted,* That there shall be
2 appointed by the President, by and with the advice and con-
3 sent of the Senate, a register of the land office and receiver of
4 the public moneys for the district aforesaid, with a salary each
5 of three thousand dollars per annum, payable monthly, and
6 the land office shall be located at the town of Tucson, or at
7 such other place as the President shall from time to time
8 direct. Previously to entering upon the duties of their offices
9 they each shall take and subscribe an oath or affirmation before
10 one of the judges of the United States to support the Consti-
11 tution of the United States, and faithfully to discharge the
12 duties of their respective offices, and shall give bond in the
13 same amount as other registers and receivers of the public land
14 offices; and their general duties and responsibilities shall be
15 the same as other officers of like character, with the additional
16 provision, in relation to the receiver of public moneys at the
17 said land office, that he shall be subject to such penalties,
18 duties, rules, and regulations, respecting the safe-keeping and
19 paying out of the public moneys, under the direction of the
20 Secretary of the Treasury, as apply to the sub-treasurers of
21 the United States, and his bond shall be drawn with a view to
22 those duties and responsibilities.

1 SEC. 15. *And be it further enacted,* That the register

2 and receiver shall perform the same duties, in relation to pre-
3 emption claims for agricultural lands, which are required of
4 other officers of like character, in cases where conflicts may
5 arise between claimants. But this provision shall not extend
6 to claims for mineral lands, which it is the duty of the sur-
7 veyor general to adjust.

1 **SEC. 16.** *And be it further enacted,* That the register
2 and receiver shall make quarterly returns to the Commis-
3 sioner of the General Land Office.

1 **SEC. 17.** *And be it further enacted,* That there shall be,
2 and is hereby, created a superior court for the said district of
3 Arizona, to consist of one judge. He shall be nominated and,
4 by and with the advice and consent of the Senate, appointed by
5 the President of the United States. He shall hold his office for
6 the term of four years. He shall receive a salary of three
7 thousand five hundred dollars per annum, payable monthly.
8 He shall hold a court on the first Monday in January, in each
9 year, at the town of Mesilla, and continue it in session from
10 day to day, for the despatch of business, until adjourned at his
11 discretion; and he shall likewise hold a court on the first
12 Monday in May, in each year, at the town of Tucson, and
13 continue and adjourn the same in like manner. And should
14 the judge of the said district court fail to attend at the time
15 and place of holding any one of the regular terms of the court
16 before the close of the fourth day of any such term, the

17 business pending in such court shall stand adjourned to the
18 next regular term thereof. He shall also have power to ap-
19 point and hold other sessions of his courts, at either of the
20 said places, at such times as he may think fit and proper, if in
21 his judgment necessary for the public interests. He may
22 appoint the times of holding such extra session, or sessions,
23 of his courts at either of the stated meetings thereof, provided
24 for by law, or during the vacation. If he shall appoint any
25 extra session, or sessions, of either of his courts during vaca-
26 tion, he shall direct the marshal of the district to give notice
27 thereof for twenty days, either by advertisement in the news-
28 paper of the district, if there be one, or by notice at the
29 door of the court-house where the session of the court is to be
30 held. The said judge shall have exclusive jurisdiction within
31 the entire limits of said district of Arizona. The jurisdiction
32 of the court to be held at the town of Mesilla shall embrace
33 the limits of the county of East Gila, and that of the court to
34 be held at Tucson, the county of West Gila. The said judge
35 shall appoint a clerk for each of said courts, whom he may
36 remove for incompetency, or unfaithful and improper official
37 conduct. Each clerk, respectively, shall keep the records of
38 the said courts at the places where held, and each shall receive
39 for his services such fees as shall be established by said judge.

1 SEC. 18. *And be it further enacted,* That the said
2 superior judge shall have and exercise jurisdiction in all crimi-

3 nal cases, and exclusive jurisdiction in all capital offences. The
 4 said superior judge shall, moreover, have and exercise the
 5 same jurisdiction within the limits of the said district of Arizo-
 6 na, in all cases arising under the laws and Constitution of the
 7 United States, which was vested in the court of the Kentucky
 8 district by an act establishing the judicial courts of the United
 9 States, approved the twenty-fourth of September, one thousand
 10 seven hundred and eighty-nine, and an act in addition to the
 11 act entitled "An act to establish judicial courts of the United
 12 States," approved the second of March, one thousand seven
 13 hundred and ninety-three. And writs of error and appeal
 14 from the final decisions of the said superior judge of the said
 15 district of Arizona shall be made to the Supreme Court of the
 16 United States, in the same manner and under the same regula-
 17 tions as from the circuit courts of the United States, where
 18 the value of the amount of the subject-matter in controversy
 19 (to be ascertained by oath or affirmation of either party)
 20 shall exceed one thousand dollars.

1 SEC. 19. *And be it further enacted,* That the said supe-
 2 rior judge for the said district of Arizona, sitting as chancel-
 3 lor, shall have exclusive jurisdiction of all claims to land
 4 arising under grants from the crown of Spain, or from the
 5 supreme government of Mexico, which are within the limits of
 6 the said district of Arizona, and shall hear and determine the
 7 same judicially. And from the decisions of the said superior

8 judge sitting as chancellor in court, either at the stated or
9 extra terms, as the case may be, an appeal may be taken there-
10 from, either by the party claiming under a grant as aforesaid,
11 or by the district attorney of the United States, to the Supreme
12 Court of the United States, within six months after the deci-
13 sion, and if not taken within that time the same shall be
14 barred and the judgment shall be final. And it shall be the
15 duty of the United States district attorney, in each case in
16 which the decision shall be in favor of the claimant, to take
17 such appeal. And the Attorney General of the United States
18 shall, after due examination of each appeal, decide whether
19 further to prosecute it to a final hearing before the Supreme
20 Court of the United States.

1 SEC. 20. *And be it further enacted,* That the judge of
2 the said district is hereby authorized and required to appoint
3 an additional clerk of his courts who understands both the
4 English and Spanish languages, and who shall be sworn to
5 discharge his duties faithfully. It shall be his duty faithfully
6 to interpret all testimony which may be given in the said
7 courts in the Spanish language, and particularly in the trial
8 of all land claims, to translate such writings as are offered in
9 evidence, of whatever character, and all grants and other in-
10 struments, and to make all such records in the Spanish lan-
11 guage as the court may require; and it shall be the duty of
12 the said clerk to attend the several sessions of the courts held

13 by the said judge from day to day, whether at Mesilla or
 14 Tucson, or elsewhere; and to attend at chambers for exami-
 15 nation and translation of all writings in the Spanish language,
 16 when required by the judge; and for such service he shall be
 17 entitled to a salary of two thousand dollars per annum, to be
 18 paid by the United States monthly. And the judge may re-
 19 move the said clerk if, in his opinion, he is either incompe-
 20 tent or unfaithful, and may appoint some other in his place.

1 SEC. 21. *And be it further enacted,* That there shall be
 2 nominated, and by and with the advice and consent of the
 3 Senate, appointed by the President, a district attorney of the
 4 United States for the said district of Arizona. He shall receive
 5 a salary of two thousand dollars per annum, payable monthly,
 6 and which, in addition to his stated fees in civil cases, to
 7 which he shall be entitled in like manner as other district
 8 attorneys of the United States, shall be as a full compensation
 9 for all extra services. It shall be his duty to prosecute all
 10 cases wherein the United States is a party, and to appear for
 11 the United States in all cases of the prosecution of claims for
 12 lands arising under grants for land derived either from the
 13 crown of Spain or from Mexico, and to perform such other
 14 professional services in said district as is usual for the district
 15 attorneys of the United States, as the law officer of the gov-
 16 ernment, and such also as may be required of him from time
 17 to time by the President of the United States. There shall

18 also be nominated, and by and with the advice and consent of
19 the Senate, appointed by the President, a marshal for said
20 district. He shall perform the same duties, be subject to the
21 same regulations and penalties, and be entitled to the same
22 fees to which marshals in other territorial districts are entitled
23 for similar services, and, in addition, shall be paid the sum of
24 one thousand dollars per annum, payable monthly, as a full
25 compensation for all extra services.

1 SEC. 22. *And be it further enacted,* That each person
2 who may have a claim for lands granted by the crown of
3 Spain, or the supreme government of Mexico, within the
4 limits of the said district of Gila, shall, within twelve months
5 from the date of the first meeting of the court aforesaid, file
6 his or her petition with the clerk of the court, setting forth
7 the nature of the claim. Accompanying said petition, a
8 brief of the facts and of the law relied upon, signed by
9 the party or his attorney, shall also be filed with the clerk
10 of the court, and, upon the final hearing, the party or the
11 attorney for the party shall produce in open court the grant
12 or grants, as the case may be, upon which the claim is
13 founded, and the same shall then remain as filed with the
14 clerk for the use of the judge, until the final decision of
15 the case. The grant shall be entered of record in the words
16 and figures thereof by the clerk in a record book kept
17 for that purpose, and which shall show the date at which

18 the record was made. In all the cases so filed, the United
 19 States district attorney shall appear and answer on the part of
 20 the United States, and cause to be produced whatever evidence
 21 may be known to affect the case.

1 **SEC. 23.** *And be it further enacted,* That the fees of the
 2 clerks of the several courts and other costs of suit shall be
 3 paid by the petitioner or the plaintiff at the time they arise, if
 4 they are caused at his instance ; and the defendant shall pay the
 5 fees and costs of suit which may be created by him, in like
 6 manner, subject, however, to such rules and regulations as may
 7 be made at the discretion of the judge, as to the rate thereof,
 8 and the time of payment.

1 **SEC. 24.** *And be it further enacted,* That the act entitled
 2 "An act to establish the offices of the surveyor general of New
 3 Mexico," &c., passed July the twenty-second, eighteen hun-
 4 dred and fifty-four, chapter one hundred and three, so far as
 5 the same applies to any lands, or to any grants or titles of
 6 whatever character, within the said district of Arizona, is hereby
 7 declared to be null and void and of non-effect ; and that the
 8 said law and every provision thereof, so far as they affect any
 9 lands, or any grants or titles to lands, within the said district
 10 of Arizona, and no further, are hereby superseded by the provi-
 11 sions of this act, and hereby made, and intended to be made,
 12 nugatory within the said district of Arizona. And the surveyor
 13 general of New Mexico is hereby required not to make any

14 examination nor decision, nor report upon any claim or claims
 15 for lands originating under the treaty of Guadalupe Hidalgo,
 16 which are situated within the limits of the said district of Arizona,
 17 as established by this act; as all the said claims for lands within
 18 said district which originated under the treaty of Guadalupe
 19 Hidalgo, made between the United States and Mexico on the
 20 second day of February, one thousand eight hundred and forty-
 21 eight, have been provided for by this act, to be heard and
 22 adjudicated by the judge of the said district of Arizona, anything
 23 in the act entitled "An act to establish the offices of surveyor
 24 general of New Mexico," &c., approved July the twenty-
 25 second, one thousand eight hundred and fifty-four, and chapter
 26 one hundred and three, to the contrary notwithstanding.

1 SEC. 25. *And be it further enacted*, That it is hereby
 2 provided that the lands which are occupied by towns which
 3 are inhabited within said district of Arizona shall be exempted
 4 from being surveyed.

1 SEC. 26. *And be it further enacted*, That the surveyor
 2 general is hereby authorized to rent the necessary buildings
 3 for his office, and the marshal of the district, or, in his absence,
 4 the judge of the district, is hereby authorized to rent suitable
 5 buildings in which to hold the courts and to keep its offices.
 6 And there shall be allowed for law books for the use of the
 7 court, and for books of record, and for rent for the court-
 8 house, and for stationery for the use of the courts, the sum of

9 two thousand dollars per annum, or so much thereof as may
10 be necessary.

1 SEC. 27. *And be it further enacted*, That the lands in
2 the valley of Mesilla, which are now occupied by settlers, shall
3 be exempted from survey: *Provided*, That said exemption
4 shall not be understood to extend to minerals, nor to the survey
5 of lands which are not occupied and cultivated.

1 SEC. 28. *And be it further enacted*, That in each case
2 where a vein mine has been purchased of the United States,
3 it shall be obligatory upon the purchaser to cause the said
4 mines to be commenced to be worked within eighteen months
5 after the said purchase is made, and the certificate of plat and
6 survey has been delivered to him, or the same shall be for-
7 feited, and revert to the United States. If the mines pur-
8 chased be what are called placer mines, the purchaser shall
9 cause the work thereon to be commenced within four months
10 after the certificate of plat and survey shall be delivered to
11 him, or otherwise the same shall be forfeited, and revert to
12 the United States.

1 SEC. 29. *And be it further enacted*, That the surveyor
2 general shall open his office on the first Monday of June,
3 eighteen hundred and fifty-seven, in the town of Tucson, in
4 said district.

1 SEC. 30. *And be it further enacted*, That the house of
2 representatives of the Territory of New Mexico shall consist

3 of thirty members, and the council of fifteen members, instead
4 of the numbers prescribed by chapter forty-nine, section five,
5 of the act of Congress approved September nine, eighteen
6 hundred and fifty, establishing a territorial government for
7 New Mexico, and with the same qualifications, privileges, and
8 terms of service as therein prescribed: *Provided*, That the
9 two additional members of the council, and the four additional
10 members of the house of representatives herein provided for,
11 shall be apportioned by the governor of the Territory among
12 the towns, counties, and districts of that portion of the Ter-
13 ritory commonly called the Gadsden Purchase, which was
14 incorporated with the Territory of New Mexico, by act of
15 Congress passed August four, eighteen hundred and fifty-four,
16 and, as nearly equal as practicable, giving to each section a
17 representation in the ratio of its population: *And provided*,
18 *further*, That the elections shall be conducted in like manner
19 as described in the act first named in this section; and the
20 governor may issue his proclamation for the first election of
21 the additional members of the council and house of represent-
22 atives at such time and place as he may deem expedient, but
23 in time for the next annual session of the legislative assembly.